

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 3, 2006

The Tippecanoe County Commissioners met on Monday, July 3, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the Minutes of the June 19, 2006 Regular Meeting as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers through July 3, 2006 with no exceptions, seconded by Commissioner Shedd.

Auditor Plantenga took exception to some of the reimbursement amounts submitted on a voucher by Diane Hawkins for attendance at a conference in Chicago from 6/11/2006 through 6/16/2006.

1. Mrs. Hawkins told Auditor Plantenga that her husband brought her to the conference on 6/11/06, returned home on 6/12/06, returned to Chicago on 6/15/06, and returned home on 6/16/06. Although Mrs. Hawkins requested reimbursement for four (4) trips, it is Auditor Plantenga's opinion that she should only be reimbursed for the two (2) trips she was on. He conceded that this reduced parking fees but said county funds should not be paid to a non-county employee for "dropping off" a county employee and returning home.
2. From the food receipts and speaking with Mrs. Hawkins, Auditor Plantenga said Mrs. Hawkins' husband stayed overnight on 6/11/06. According to the County's Travel Allowance Policy, "If a non-governmental person shares the room the County will pay 80% of the double occupancy room rate", but Mrs. Hawkins submitted 100% of the double occupancy room rate. Auditor Plantenga recommended paying only 80% for 6/11 and 100% for 6/12, 6/13, and 6/14.
3. Internet access fees were charged on 6/12 and 6/14, but Auditor Plantenga said the Travel Policy states "No reimbursement of in room services shall be reimbursed to the employee".
4. Auditor Plantenga noted that a room service charge and a daily food reimbursement in excess of \$25 per day were removed or reduced per request of the Auditor's Office.

President Knochel observed that, looking at the room charge of \$244.65 for each of the four nights, it would appear there was not an extra charge for the additional person in the room on 6/11. Auditor Plantenga responded that the Policy is the double occupancy room rate and normally the amount is the same if there is one bed or double occupancy. He said he is not suggesting Mrs. Hawkins should pick up an extra charge, but the Policy says the County will pay 80% of the room rate if the room is shared with a non-governmental person.

Commissioner Benson asked the Auditor if he requested the amount of the double occupancy room rate from the hotel. He responded he did not call the hotel. Commissioner Benson pointed out that the first paragraph under Lodging in the Policy states "If an employee attends a conference, the county will pay 100% of the conference room rate".

President Knochel acknowledged that Commissioners' Assistant Weston called the hotel and asked her to report the amount of the double occupancy room rate. Mrs. Weston reported speaking with the service desk person and also checked on-line and the hotel did not differentiate between one and two persons. She said it seems that if you consider this the double occupancy room rate that it should be the 80% for every night or its a single room rate because they (the hotel) have one standard room rate.

Commissioner Shedd said this is an awkward situation because of the way the Policy is written and wondered when it was last updated. She thinks internet access and phone usage were not considered at the time the Policy was last revised. She said she would like to pay the Voucher and consider a revised Policy at the next Commissioners' meeting.

Auditor Plantenga interjected that the Travel Policy was completely revised approximately two years ago. Mrs. Weston responded that it was revised in 2002. Commissioner Shedd said she favors paying this Voucher and changing the Policy to meet the criteria as of today for hotel room occupancy, internet access and phones. Auditor Plantenga said paying internet access for Mrs. Hawkins may be permissible since she is the MITS' Director, but he thinks only 80% of the room bill should be paid for 6/11.

- Since there was no further discussion, the motion to approve the Vouchers with no exceptions carried.

HIGHWAY: Traffic Supervisor Mike Parks

Ordinance 2006-11-CM: Second Reading: Altering Traffic Controls at Intersections(First Reading 6/16/06)

Ordinance 2006-11-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mr. Parks read his recommendations for the following traffic signage changes:

- Installation of a 30" High Intensity Stop sign on 575 E at 430 S
- Replacement of the existing Yield sign with a 30" High Intensity Stop sign on 430 S at Newcastle Road
- Replacement of the existing Yield sign with a 30" High Intensity Stop sign on 800 E at Wyandotte Road
- Commissioner Shedd moved to approve Ordinance 2006-11-CM on second reading, seconded by Commissioner Benson.

Commissioner Benson asked Mr. Parks if there were comments from concerned citizens regarding this ordinance. He responded the Highway Department received no calls.

Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	Yes

- The motion to approve Ordinance 2006-11-CM passed 3 – 0 on second and final reading.

Street Acceptance: Raineybrook SD Pt 2, Sec 2, Ph 1
Irrevocable Letter of Credit #598: \$28,730: Rbrook, LLC

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Wharfside Parkway	1,075.48	30'	50'	Concrete	Curb & Gutter
Topsail Trace	1,686.27	30'	50'	Concrete	Curb & Gutter
East Commodores Lane	350.00	30'	50'	Concrete	Curb & Gutter
Flagship Lane	176.58	30'	50'	Concrete	Curb & Gutter
Total	3,288.33' = 0.623 Miles		Total Lots: 34 (184-190, 193-201, 208-211, 230-232, 250-253, 272-278) & 3 Outlots ("A", "B", & "C")		

- Commissioner Shedd moved to accept the streets in Raineybrook SD Pt 2, Sec 2, Ph 1 and Irrevocable Letter of Credit #598 in the amount of \$28,730 for Rbrook, LLC, seconded by Commissioner Benson; motion carried.

WABASH RIVER HERITAGE CORRIDOR COMMISSION: Power Point Presentation: Ron James, Executive Director

Mr. James reported that the Wabash River Heritage Corridor Commission was created in 1991 and is locally controlled. With its great heritage, he said the Wabash River can help create a sense of place to keep our children here. The 490 mile Wabash River Corridor drains 2/3rds of Indiana that is known as a wet river state. He said over 800,000 people live within ten (10) miles of the River that has been the gateway to the West for over 200 years.

Within the next month, the Wabash River Water Trail, 450 miles of unimpeded waterway, will be opened and water access signs will be posted along the river. He asked for permission to post informational signs regarding river access on Tippecanoe County bridges and requested the signs be installed by the County Highway Department. He said he has not spoken to Highway Executive Director Opal Kuhl regarding this request.

Commissioner Shedd said the Commissioners will have to talk to Ms Kuhl before agreeing to this request.

RESOLUTION 2006-21-CM: Accepting Grant for Funding of Wabash River Hydrology & Hydraulic Analysis:

LETTER OF AGREEMENT: United States of America and Tippecanoe County Commissioners: Stanton Lambert, Executive Director Wabash River Enhancement Corporation

Resolution 2006-21-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mr. Lambert requested the Commissioners' acceptance of a grant in the amount of \$50,000 from the Wabash River Enhancement corporation. The grant will provide 50% of the cost of conducting a detailed hydrologic and hydraulic analysis of the Wabash River Corridor from Prophetstown State Park and SR 225 bridge to Historic Fort Ouiatenon by the Department of the Army Corps of Engineers. He said the Wabash River Enhancement Corporation, a non-profit agency funded by North Central Health Services, was created by Tippecanoe County, Lafayette, West Lafayette, and Purdue University to enhance the River Corridor and improve the quality of life. The study is the first step toward developing an accurate and realistic corridor master plan that will guide the enhancement efforts for the corridor. The Corporation is asking the Commissioners to accept the grant and establish a Wabash River Hydrology and Hydraulic Analysis Fund for the deposit and disbursement of such funds.

President Knochel asked if the study will show depth levels of the river. Mr. Lambert said this initial study will show depth levels between Prophetstown State Park and Fort Ouiatenon.

Attorney Luhman explained that approval of Resolution 2006-21-CM accepts the grant from Wabash River Enhancement Corporation to provide the 50% local match, allows the Commissioners to be a local sponsor for the Corps of Engineers Study, and sets up a separate fund in the Auditor's Office for the deposit of funds that will be used specifically for the Hydrologic Study subject to appropriation by the County Council.

Assuming the County Council appropriates the funds for this purpose, the Commissioners are then asked to approve the Letter Agreement between the County and the Army Corps of Engineers which will make the Commissioners the local sponsor and authorize the Corps to perform the study.

- Commissioner Shedd moved to approve Resolution 2006-21-CM, seconded by Commissioner Benson; motion carried.
- Commissioner Shedd moved to authorize approval of the Letter Agreement between the United States of America and Tippecanoe County Commissioners and authorize the President of the Board of Commissioners to sign subject to appropriation of the funds by the County Council, seconded by Commissioner Benson; motion carried.

ORDINANCE 2006-12-CM: Z-2295, Edward & Carol Purdy A to I3

Ordinance 2006-12-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Commissioner Shedd moved to hear and approve Ordinance 2006-12-CM, seconded by Commissioner Benson.

(quote)

June 22, 2006
Ref. No.: 06-323

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2295 EDWARD & CAROL PURDY (A to I3):

Petitioners are requesting rezoning of 3.71 acres for a proposed concrete batch plant located southeast of the South 18th Street, CR 510 S intersection in Wea 21 (NW) 22-4.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 21, 2006, the Area Plan Commission of Tippecanoe County voted 9 yes - 3 no on the motion to rezone the subject real estate from A to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their July 3, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Representing the petitioners, Attorney Dan Teder requested a zoning change from A to I3 for 3.71 acres for a proposed concrete batch plant. If approved, Mr. Purdy plans to move his batch plant from its current location on old US 231 to this site on 510 S. Approximately 17 years are left on the special exception Mr. Purdy received in 2002 for mining gravel on adjacent acreage. Mr. Teder said the mobile batch plant will be 6 feet below grade and located behind a 6 foot berm and a heavily wooded area to the north approximately 1,000 feet from the Wea Creek.

The nearest residence, located approximately 1,300 feet from the proposed plant site on the north side of 510 S, is owned by the Standifords who also own the Vulcan Gravel Pit site that is just west of the Purdy site. During an impromptu encounter, Mr. Teder reported Mr. Standiford told him he has no objection to the zoning request. Mr. Teder estimated nine homes along 510 S were built after the gravel pits came into existence.

The developer of Mason's Ridge, approximately 1,500 feet north of the plant site, is opposed to the rezone because of the truck traffic and safety issues. Although this developer will have trucks coming to his development for at least another five years, Mr. Teder said he seems to object to Purdy's trucks.

In Mr. Teder's opinion, locating a batch plant in a gravel pit is common sense. He noted there are three other batch plants operating in gravel pits in the Lafayette area and all are in close proximity to housing. He doubts that most residents are aware they live close to a batch plant. Mr. Teder said the proposed site is approximately 6,500 feet from Mayflower Elementary School and 2,700 from Wea Ridge Middle School. The hours of operation will be daylight hours with occasional INDOT and other special projects. Noise will be less than noise presently at the gravel pit plus there will be berming and a heavily wooded area.

Mr. Teder said the Purdys have made two commitments governing the use of the real estate:

1. The entire batch plant will be put in the reclamation area when the term of the pit has expired. As a result, they believe that all but .25 acres will be in the reclamation area. After reclamation, the land will be used only for agricultural uses, residential uses, or other compatible uses.
2. The number of all trucks for the entire 180 acre site will be limited to 250 entering per day and 250 leaving per day. This number of trucks will never increase at this site.

Public Comments

In Favor

Derrin Sorenson, President of Saddlebrook Development: Due to Lafayette's growth into the Purdy's current batch plant location, it is time to relocate and the gravel pit is the best location. This is a request basically for a conditional zoning because the plant will be in a reclamation area in 17 years.

Brian Anderson, a Purdy employee: The new 4-way stop intersection will be a safer access than the current old US 231 S entrance. Location of the batch plant on this site will prevent hauling gravel to another site.

Sean Sullivan, a Garden Art employee: Visual screening will shield the batch plant from view. The road into the plant will be paved to cut down on the dust.

Dan Burton, President of Concrete Machinery Corp. in WI: The machinery they will use will reduce dust and noise. The plant will be clean and neighbor friendly.

Terry West, 5 Tall Oak Lane, W. Laf., a Purdue University Professor of Urban Geology: Gravel pits occur along rivers and tributaries such as Wea Creek. Location of a batch plant by the gravel pit has economic value because it will reduce the cost of concrete. As a secondary use, home sites can later be built around the lake that will be formed. The water table that is only a few feet deep along Wea Creek will be raised.

Catherine Moran, 3636 US 231 S: She resides across from the current batch plant site and said dust and sound are minimal. The drivers are courteous to local drivers, but she thinks the new site will be safer.

Brandon Fulk, Schneider Corp.: There is a parking and reclamation plan.

Rusty Holt, 8901 Otis Ave., Schneider Corp.: He conducted a traffic study and concluded that truck traffic will increase on S 18th Street, decrease on S 9th Street, and remain approximately the same on 510 S. Any traffic increase will not be enough to affect intersections. He noted that schools are out during 31% of the summer months. Since S 18th Street is a primary arterial, it is more suitable for truck traffic than S 9th Street.

Darcy Bullock, 4799 S 500 W: Mr. Bullock, a Civil Engineering Professor who works as an independent consultant, used conservative numbers and determined the small additional number of trucks won't have a major impact on area roads.

Howard Pugh, Carmel: In the mineral aggregate business, it is common practice to locate batch plants at gravel pit sites. It saves fuel and cuts down on pollution.

Eric Welling, Greenwood: Mr. Welling is an Environmental Permitting Expert who has worked with Mr. Purdy to design stormwater and settling basins to prevent discharge of water outside the site. There will be minimal air emissions. The environment will be protected.

Todd Schultz, 2320 Flowering Crab Dr.: As plant manager, Mr. Schultz described what the plant will be. He said he lives within 2,500 feet of a gravel pit with a batch plant operation and has encountered no problems.

Carol Purdy, 3633 Old US 231 S: read an affidavit from her daughter, Suzanne Purdy:

(quote)

AFFIDAVIT OF SUZANNE PURDY

COMES NOW the Affiant, Suzanne Purdy, and arms under penalty of perjury that the following representations are true:

1. I am over the age of eighteen (18) years; am the adult daughter of the Petitioners, Edward J. Purdy and Carol A. Purdy; and am competent to testify to and have firsthand knowledge of the facts and matters set forth herein.
2. I have been a director and co-owner of Purdy Materials Inc. since 1997. I expect to become an owner of Purdy Concrete Inc. in the near future.

3. For the past fourteen (14) months, my sister, Joanne Purdy, and I have been actively involved in the day-to-day operation of Purdy Concrete Inc. and Purdy Materials Inc.

4. During this time, we initiated several changes to make both businesses more efficient and modern including, but not limited to, the following: (1) the launch of the purdymaterials.com website; and (2) a complete upgrade of the corporations' production and accounting software.

5. Joanne Purdy and I have been directly involved with the reclamation of the old gravel pit and with the planned relocation of the ready-mix operation into the gravel pit near the intersection of County Road 150 East and County Road 510 South.

6. To remain viable as an independent, locally-owned business, Purdy Materials Inc. and Purdy Concrete Inc. must find ways to reduce inefficiencies and make use of overlaps that naturally exist in the production of concrete and aggregates.

7. All major, operating concrete batch plants in Lafayette, Indiana are located in existing or former gravel pits.

8. Since approximately eighty-seven percent (87%) of the materials used in the production of concrete originate from a gravel pit, it logistically makes sense to locate our concrete batch plant near the gravel pit at County Road 150 East and County Road 510 South.

9. The relocation of the concrete batch plant would not create a significant increase in overall traffic and would reduce wasted labor and fuel consumption. As a result, the cost of producing concrete would decrease, thereby helping Purdy Concrete Inc. to remain competitive with larger concrete companies that are moving into the Lafayette area.

10. Maintaining competitive and reasonable construction costs in Lafayette creates local jobs and supports the overall economic health of the community.

11. Rather than moving and re-using the machinery from the existing batch plant, we will purchase a new, state-of-the-art batch plant featuring a low profile design and an emissions collection system.

12. The heavily wooded area that exists near the entryway to the new gravel pit and concrete plant will remain.

13. The landscaping firm, GardenArt, has designed a professional and aesthetically pleasing professional entrance to the gravel pit and concrete batch plant. The entrance and landscaping will be maintained year-round by a local landscaping company by the name of Lawn & Shrub.

14. In partnership with employees, neighbors, and community leaders, we will institute the aforementioned changes in a thoughtful, constructive manner and will move Purdy Concrete Inc. and Purdy Materials Inc. toward a promising, new future.

Further Affiant sayeth not.

DATED this 30th day of June, 2006.

/s/Suzanne Purdy

(unquote)

Mrs. Purdy denied rumors that they plan to sell the business. They have no plans to retire and their two daughters are committed to the business. She said they will do what they promise to do.

Jim Lahrman, 5412 S 250 E: Mr. Lahrman said he farms close to houses and the new Wal-Mart on 350 S that won't go away in 17 years. He said we have to have concrete and it makes sense to locate the batch plant at the gravel pit.

In Opposition

Les Lee, 5303 Autumn Ln: Mr. Lee drives a school bus and said he has had close calls with Purdy trucks on narrow roads. A loaded school bus weighs 26,000 pounds but he said a loaded concrete truck weighs much more. He thinks student drivers will be harassed by the trucks and is concerned for their safety. He said kindergarten parents, who pick up and deliver their children to Wea Ridge Elementary twice a day, park along the road because there is inadequate space to wait on school property. Mr. Lee objects to routing the trucks on 510 S, a much more narrow road than old US 231 S.

Randy Norfleet, 4920 Autumn Ln N: Mr. Norfleet said his opposition is about quality of life for residents and safety for children. With 3,200 children going to the four schools, he said McCutcheon Principal John Beeker and TSC Transportation Director Phil Mugg are concerned. In his opinion, it will lower property values. He estimated that Vulcan, a bigger operation than Purdy, runs 1,000 trucks per day. Mr. Norfleet said Schneider conducted the traffic counts when no trucks were running due to 11 days of rain and no construction work was being done.

Steve Norfleet, 1240 E 510 S: Mr. Norfleet, who lives across from the site, said the purpose of today's meeting is zoning, not to argue the benefits of locating a batch plant with a gravel pit. In his opinion, the batch plant should be approved by special exception. He said he is not against the Purdys or the batch plant but other concrete plants are located on major roads and pointed out that 510 S is only 24 feet wide. He acknowledged he supported the location of the gravel pit but said it has never been mowed nor has it been landscaped. Describing it as an "Afghanistan", he said the neighbors need some protection. To see the future, look at the past was his advice.

Peggy Kiefer, 6609 E 200 S: She drives daily to Wea Ridge Elementary School and has almost been hit twice by concrete trucks that don't obey the posted speed limit on S 18th Street. Ms Kiefer wants the children protected.

Jerry Ramjue, 331 Hamilton St., W. Laf.: Mr. Ramjue, who owns property in the southern part of the county, wants controlled growth. He expressed concern with possible changes to this area if the rezoning is approved.

Joseph Seele, 3932 George Washington Rd.: Mr. Seele, who lives on the corner of S 9th Street, said the trucks will use S 9th Street instead of S 18th Street because there is no stop sign between 350 S and 510 S. He declared that the trucks go well beyond the 35 mph speed limit on S 9th Street and are running by his house as early as 6:00 A.M.

John Gambs, Attorney representing the remonstrators: Traffic is the problem. These roads, 510 S, S 18th Street, and S 9th Street, carry more school traffic than any other roads. He said these roads were not made to carry these types of vehicles and noted that most batch plants are located along 4 lane roads. He agreed that the truckers will continue to use S 9th Street because there is no stop sign at 430 S. If this is approved, he asked the Commissioners to get some controls.

Mr. Teder said the Purdys have addressed all the issues and the neighbors will have more protection then they currently have. Because development is south of town, that is where the trucks will be. Mr. Teder said trucks are currently coming out of three gravel pits but estimated one of Purdy's pits will close in April 2007 and Vulcan's pit in three to five years.

Commissioner Benson asked Attorney Luhman if conditions or controls can be put on the rezone. Attorney Luhman responded that no controls can be imposed as a condition of the rezone.

Commissioner Benson asked when the traffic counts were taken. Mr. Holt from Schneider answered that the count was taken on May 16th, before the bridge was closed for construction and while schools were still in session.

There being no further questions, Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2006-12-CM passed 3 – 0.

AGREEMENT OF INDEPENDENT CONTRACT: Recorder Pam Berglund

On November 21, 2005, Agreements of Independent Contract were approved. However, since that time, Mrs. Berglund explained that schedules for two of the part-time employees have changed. She would like to contract with Dallas Richardson to work on the preservation of public records for approximately six weeks.

- Commissioner Shedd moved to approve the Agreement of Independent Contract between Dallas Richardson and the Recorder, seconded by Commissioner Benson; motion carried.

RESIDENTIAL TREATMENT SERVICES PROVIDER CONTRACT: Indiana Department of Child Services for Cary Home

Commissioner Benson explained this a contract with the Department of Child Services and the schedule on which they base their payments to Cary Home.

- Commissioner Shedd moved to approve the form of the Master Contract, seconded by Commissioner Benson; motion carried.

PRESENTATION OF 2007 SALARY STATEMENTS: Auditor Robert Plantenga

Auditor Plantenga presented the 2007 Salary Statements based on the 1% recommended salary increase for the Commissioners' inspection.

- Commissioner Shedd moved to accept the 2007 Salary Statements, seconded by Commissioner Benson; motion carried.

APPOINTMENTS: Common Wage Board

- Commissioner Shedd moved to approve Common Wage Board appointments of Roy Meeks, Caren Shedd, and Dave Lahr for intersection improvement projects and a new open ditch construction project from Concord Road to 450 E for Tippecanoe County, and Caren Shedd for the Salisbury Street Sewer Improvement Project for West Lafayette, seconded by Commissioner Benson; motion carried.

UNFINISHED/NEW BUSINESS

On behalf of the Tippecanoe County Sheriff's Department, Sheriff William "Smokey" Anderson thanked the Tippecanoe County community for stepping forward this past week in response to the death of Wea Township Volunteer Firefighter Steven Smith while serving in the line of duty.

REPORTS

Reports from the Parks Department, Weights & Measures, Clerk of the Circuit Court, and Wabash Heritage Corridor Commission are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

John L. Knochel, President

Ruth E. Shedd, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor